



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

25 MAY 2007

Carter J. White
Legal Department
5950 North Course Drive
Houston, Texas 77072

In re Application of	:	
CARRIER, et al.	:	
Serial No.: 10/517,332	:	DECISION ON PETITION
PCT No.: PCT/GB04/02863	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 02 July 2004	:	
Priority Date: 12 August 2003	:	
Atty Docket No.: PA-00422US1	:	
For: ELECTRICAL TREATMENT FOR OIL	:	
BASED DRILLING OR COMPLETION	:	
FLUIDS	:	

This decision is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and "Petition under Rule 37 CFR 1.47(a) for Acceptance of Application Where Joint Inventor Cannot Be Located to Join in Application for Patent" filed 15 May 2007.

BACKGROUND

On 02 July 2004, applicant filed international application PCT/GB04/02863 which claimed priority to a previous application filed 12 August 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 12 February 2006.

On 09 December 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an Information Disclosure Statement.

On 07 June 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 12 April 2006, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Michelle Bridget Carrier. In a decision dated 28 June 2006, applicant's petition under 1.47(a) was dismissed without prejudice.

On 10 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment indicating that the application was abandoned for failure to file a complete response to the Decision on Petition under 37 CFR 1.47(a) mailed 28 June 2006 within the time period set therein.

On 15 May 2007, applicant filed the present petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a).

DISCUSSION

The above-identified application was abandoned for failure to respond to the Decision on Petition under 37 CFR 1.47(a) mailed 28 June 2006.

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

In order to comply with the proper response requirement of item (1) above for revival under 37 CFR 1.137(b), applicants submitted the present Petition Under 37 CFR 1.47(a). Under the present circumstances, in order for the response requirement, item (1) above, to be satisfied, the petition to accept the application without the signature of joint-inventor Michelle Bridget Carrier must be grantable.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

A review of the papers filed 15 May 2007 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Michelle Bridget Carrier) refused to sign, stated the last known address of the non-signing inventor (Michelle Bridget Carrier), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied..

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

As for the remaining elements of a grantable petition under 37 CFR 1.137(b), applicant has submitted the required petition fee, satisfying item (2), and the petition includes a statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying item (3); item (4) does not apply to the present application.

Thus, applicant has satisfied all the requirements for a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The renewed petition under 37 CFR 1.137(b) is **GRANTED**.

The application will be given an international filing date of 22 July 2004 under 35 U.S.C. 363, and a date of **12 April 2006** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459